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Report of the Working Group on the Universal Periodic Review*

Sweden

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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Sweden welcomes the recommendations made in the course of its Universal Periodic Review on 26 January 2015. After careful consideration, Sweden is pleased to provide the following responses, to be included in the outcome report:

146.1.

Sweden **does not accept** the recommendation.

Sweden signed the Convention for the Protection of all Persons against Enforced Disappearance (CED) in 2007. Prior to the ratification of the Convention, an analysis of possible legislative amendments is required. It is, however, Sweden's view that, in all essentials, Swedish legislation meets the requirements of the convention.

146.2.

Sweden **does not accept** the recommendation.

Sweden takes its obligations in the area of human rights most seriously. However, the issue of ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights raises several questions which needs to be further analysed before taking a final position. Sweden intends to carry out such an analysis prior to the next dialogue with the Committee on Economic, Social and Cultural Rights due to take place in 2016.

146.3.

Sweden **does not accept** the recommendation.

The Swedish Government has ratified the CRC and the first and second Optional Protocols to the CRC. Sweden takes its obligations in the area of human rights most seriously. However, the issue of ratification of the Third Optional Protocol to the CRC on a communications procedure raise several questions which need to be further analysed before it is possible to take a final position.

146.4.

Sweden **does not accept** the recommendation. (see 146.3).

146.5.

Sweden **does not accept** the recommendation. (see 146.3).

146.6.

Sweden **does not accept** the recommendation.

The Government is working towards a ratification of the Convention in order to strengthen the rights of the Sami people, but a decision to accede to a convention is ultimately a matter for the Riksdag (the Swedish Parliament).

146.7.

Sweden **accepts** the recommendation.

146.8.

Sweden **does not accept** the recommendation.

Sweden has ratified the CRC and its two first optional protocols. The CRC and the protocols have been implemented in Swedish legislation through various provisions e.g. the Penal Code, the Social Services Act, the Education Act and the Aliens Act. To further strengthen the rights of the Child the Government in February 2015 decided on additional directives to an investigation to submit proposals on how the CRC can be formally

recognised as Swedish law. The investigation shall submit their proposals no later than February 28, 2016.

146.9.

Sweden **does not accept** the recommendation.

In June 2014, the Government commissioned an independent inquiry to consider whether a specific provision on torture should be introduced in Swedish penal law. The report is due on 1 September 2015 and the Government does not want to anticipate the outcome of the inquiry.

146.10.

Sweden **does not accept** the recommendation. (see 146.9).

146.11.

Sweden **does not accept** the recommendation. (see 146.9).

146.12.

Sweden **does not accept** the recommendation. (see 146.9).

146.13.

Sweden **does not accept** the recommendation. (see 146.9).

146.14.

Sweden **accepts** the recommendation.

The government announced in its budget bill for 2015 that it will deliver to the parliament a strategy for the systematic work for human rights in Sweden. One important aspect of this coming strategy is to set out how an independent monitoring of the implementation of human rights in Sweden could be organised. The strategy will therefore include vesting a national institution with the competence to promote and protect human rights in accordance with the Paris Principles.

146.15.

Sweden **accepts** the recommendation. (see 146.14).

146.16.

Sweden **accepts** the recommendation. (see 146.14).

146.17.

Sweden **accepts** the recommendation. (see 146.14).

146.18.

Sweden **accepts** the recommendation. (see 146.14).

146.19.

Sweden **accepts** the recommendation. (see 146.14).

146.20.

Sweden **accepts** the recommendation. (see 146.14).

146.21.

Sweden **accepts** the recommendation. (see 146.14).

146.22.

Sweden **accepts** the recommendation. (see 146.14).

146.23.

Sweden **accepts** the recommendation. (see 146.14).

146.24.

Sweden **accepts** the recommendation. (see 146.14).

146.25.

Sweden **accepts** the recommendation. (see 146.14).

146.26.

Sweden **does not accept** the recommendation.

Sweden assesses that the key recommendations made by the Sub-Committee on the Prevention of Torture to Sweden, in conjunction with its visit March 2008, have been fulfilled and that the criteria of an NPM as set out in OPCAT is fulfilled. The Parliamentary Ombudsman has the mandate and powers to carry out effective monitoring of such of all institutions and facilities of detainees. The staff has the necessary experience, background and expertise required to carry out NPM work effectively and impartially. A report summarizing the work during 2011-2014 of the NPM is being carried out. This report will provide further information about the fulfilment of Swedish obligations under OPCAT and the functioning of the NPM. A report will thereafter be produced annually.

146.27.

Sweden **does not accept** the recommendation.

As mentioned in the report of Sweden, wages in Sweden are primarily determined in negotiations between the social partners. Under the rules of the Discrimination Act on active measures employers shall in particular endeavour to equalise and prevent differences in pay and other conditions of employment between women and men. All employers are required to carry out a pay survey every third year. In addition all employers with at least 25 employees are obliged to draw up an action plan for equal pay every 3 years. These rules in the Discrimination Act on active measures have been reviewed by an inquiry which proposed that pay surveys should be carried out each year. The inquiry's proposals are being processed by the Government Offices. In addition, the Government has given relevant central government agencies such as the Swedish Public Employment Service a stronger mandate to promote gender equality. Furthermore, the Government is introducing new regulations on parental leave that are likely to improve the conditions for equal wages.

146.28.

Sweden **accepts** the recommendation.

An investigation regarding the mandate of the Equality Ombudsman in order to ensure victims of discrimination to exercise their rights and the question of the need for clarification of the mandate is ongoing. The investigation shall be completed on the 18th of December 2015.

146.29.

Sweden **accepts** the recommendation.

146.30.

Sweden **accepts** the recommendation.

These CERD recommendations on special measures includes different measures such as adoption of legislation, plans and policies in different areas to secure to disadvantaged groups the full and equal enjoyment of human rights. Sweden has taken different initiatives in order to secure equal rights for national minorities, for instance the Roma Strategy. Also the government intends to strengthen the Discrimination Act regarding active measures.

146.31.

Sweden **does not accept** the recommendation.

Sweden has comprehensive legislation in place that prevent religious and racial profiling inter alia in the Discrimination Act (2008:567) and the Penal Code. Perpetrators of xenophobic crimes are prosecuted according to the regulations in the Swedish Code of Judicial Procedure. The Penal Code also provides for aggravated sentencing when the motive for an offence is xenophobic or otherwise motivated by hatred.

146.32.

Sweden **does not accept** the recommendation.

Sweden has adopted measures against ethnic profiling (see 146.31). Sweden also has laws and regulations governing the use of personal data that applies in both the public and the private sector. There is for example a special Police Data Act that governs the use of personal data within the police. According to that act it is not allowed to register data solely on grounds that concerns for example race, ethnic origin, political view or religion. There are supervisory authorities, for example The Swedish Commission on Security and Integrity Protection who exercise supervision over the processing of personal data by the law enforcement agencies. The supervisory authorities frequently inspect the use of personal data within the police and other government agencies.

146.33.

Sweden **does not accept** the recommendation.

As presented above (see 146.31. and 146.32.) Sweden has a legal system that prevents ethnic profiling as a working method of the police and other officials. In addition to that Sweden has a number of authorities with the task of monitoring that government agencies follow the applicable laws and do not for example use ethnic profiling.

146.34.

Sweden **does not accept** the recommendation.

Unlawful use of force by the Police runs contrary to the core purpose of police work to serve and protect, and any harm as a consequence of force, lawful or not, from the Police is regrettable. Successful police work builds on trust from the general public and it is therefore crucial that sustained efforts are taken to prevent and counteract unlawful use of force by the Police. Sweden agrees with Russia that unlawful force by the Police is unacceptable, but is of the view that appropriate measures are taken and that a credible system is in place to deal with these cases.

In addition to the regular criminal proceedings when a police officer is suspected of an offence, a specific procedure is applied for possible disciplinary measures, including discharge and suspension.

Furthermore, there are a number of authorities that supervise the Police, including the Parliamentary Ombudsmen, the Chancellor of Justice and the Commission on Security and Integrity Protection. At present, a Public Inquiry is also considering the establishment of a special authority to supervise the Police.

146.35.

Sweden **does not accept** the recommendation.

The Swedish Government believes that efforts to combat men's violence against women must have a holistic, multi-sectorial approach to be successful. This approach involves a legal, social, economic and health-related perspective, and not least from a gender perspective. Solely focusing on harmful use of alcohol does not solve the root causes of men's violence against women. Furthermore the Government is supporting the involvement of men's organisations in violence prevention interventions targeting men and boys.

146.36.

Sweden **does not accept** the recommendation.

When it comes to purchase of a sexual act from a child, there is no requirement of dual criminality for Swedish courts to have jurisdiction. Consequently a Swedish national that has purchased sex from a child abroad can be prosecuted in Sweden. An inquiry has been given an assignment to analyse if the requirement for dual criminality shall be removed also for purchase of a sexual service from an adult. The report is due on 9 March 2016 and the Government does not want to anticipate the outcome of the inquiry. The Swedish Police and the Prosecution Service address child sex tourism as a matter of priority. A dedicated, specialised group of investigators has been established within the Police and the Prosecution Service has developed a manual for these investigations. Sweden strongly supports enhanced action by the international community against child sex tourism.

146.37.

Sweden **does not accept** the recommendation.

The Government is currently considering appointing an Inquiry to examine some aspects of the legal framework on pre-trial detention, such as alternative measures to pre-trial detention, measures to counteract the isolation of detainees [and pre-trial detention time limits]. Special attention should be given to the treatment of minors in pre-trial detention. In addition, an inquiry involving a revision of the special powers, i.e. seclusion, in the special homes for young people (run by the National Board of Institutional Care), will present the results of its revision to the government in June 2015.

146.38.

Sweden **does not accept** the recommendation. (see 146.37).

146.39.

Sweden **does not accept** the recommendation. (see 146.37).

146.40.

Sweden **does not accept** the recommendation.

When a person is detained as a suspect of crime he or she has the right to be informed of the reasons for the detention.

146.41.

Sweden **does not accept** the recommendation. (see 146.37).

146.42.

Sweden **does not accept** the recommendation. (see 146.37).

146.43.

Sweden **does not accept** the recommendation.

All persons, including unaccompanied minors have a right to seek asylum. However, unaccompanied asylum-seeking minors in Sweden are entitled to support and care in accordance with the best interest of the child.

146.44.

Sweden **does not accept** the recommendation.

However, Sweden emphasizes its commitment to uphold and respect the principle of non-refoulement, in accordance with international conventions and agreements, for persons under Swedish jurisdiction.